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*Admitted only in Maryland
*Admitted only in Virginia
*Practice limited to
Federal Agencies

October 12, 2007

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Commissioner for Patents
PO Box 1450
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Art Unit 1645

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 10/527,411; § 371 Date: November 10, 2005
For: **Recombinant Toxin Fragments**
Inventors: SHONE *et al.*
Our Ref: 1581.0130005/TJS/JJY

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Third Supplemental Information Disclosure Statement Under 37 C.F. R. § 1.97(b);
2. Form PTO/SB/08A (1 sheet) listing 12 documents (US1-US9 and FP1-FP3);
3. Form PTO/SB/08B (1 sheet) listing 3 documents (NPL1-NPL3); and
4. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

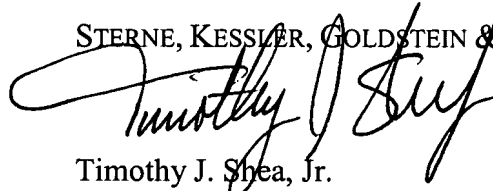
In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
October 12, 2007
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Timothy J. Shea, Jr.", is written over the printed name and firm name.

Timothy J. Shea, Jr.
Attorney for Applicants
Registration No. 41,306

TJS/JJY/pcd
Encls.

713878_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shone *et al.*

Appl. No.: 10/527,411

§ 371 Date: November 10, 2005

For: **Recombinant Toxin Fragments**

Confirmation No: 7312

Art Unit: 1645

Examiner: Archie, Nina

Atty. Docket: 1581.0130005/TJS/JJY

**Third Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(b)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop: Amendment

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. This Third Supplemental Information Disclosure Statement is a continuation of Applicants' Second Supplemental Information Disclosure Statement filed on August 11, 2005, in connection with the above-captioned application.

Copies of documents **FP2**, **NPL1**, and **NPL2** are submitted. Copies of documents **FP1** and **FP3** were cited by or submitted to the Office in Information Disclosure Statements that comply with 37 C.F.R. § 1.98(a)-(c) in Application No. 10/241,596, filed on September 12, 2002, which is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with 37 C.F.R. § 1.98(a), copies of U.S. patents and patent application publications cited on the attached IDS Form PTO/SB/08A, documents **US1** to **US9**, are not submitted. In addition, a copy of document **NPL3** is not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent

application (or portion of the application which caused it to be listed) is *sua sponte* waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Application, which is directed to related technical subject matter:

Copy of co-pending U.S. Application No. 11/644,010, inventors Shone *et al.*, filed December 22, 2006; and not published; listed as document **NPL3**.

The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

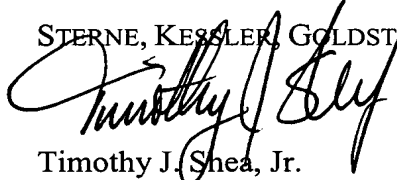
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date:

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